

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

John T. Metcalf, and  
Manny Doppelt and Lawrence Doppelt,  
as Co-Trustees of the Frederick  
Doppelt Trust, derivatively on behalf  
of Eagle Bulk Shipping Inc.,

Plaintiffs,

vs.

Sophocles N. Zoullas, Alexis P. Zoullas,  
Douglas P. Haensel, Jon Tomasson,  
Joseph M. Cianciolo, David B. Hiley,  
Thomas B. Winmill, Forrest E. Wylie,  
Alan S. Ginsberg,

Defendants,

and

Eagle Bulk Shipping Inc.,  
Nominal Defendant.

C.A. NO. 11-CV-3996-AKH

ECF Case

**NOTICE OF MOTION TO APPROVE PROPOSED  
SETTLEMENT AND APPLICATION OF PLAINTIFFS'  
COUNSEL FOR AN AWARD OF ATTORNEYS' FEES AND COSTS**

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. Proc. Rule 23.1, upon the Memorandum of Law in Support and the accompanying Declaration and related Exhibits, upon all prior proceedings and papers filed herein, and in accordance with the Scheduling Order With Respect to Notice and Settlement Hearing issued by this Court on June 19, 2013 [ECF Doc. #65], Plaintiff Helen Metcalf, as executor for the John T. Metcalf estate and Plaintiff Manny Doppelt, as Trustee of the Frederick Doppelt Trust, will move this Court at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 14D, New York, New York,

on September 4, 2013 at 11:00 a.m., or at such other time at the convenience of the Court, as follows:

- 1) to issue an order for final approval of the proposed settlement of the actions captioned *John T. Metcalf et al. v. Sophocles N. Zoullas et al.*, C.A. NO. 11-CV-3996-AKH (S.D.N.Y. June 19, 2011) (“Federal Derivative Action”) and *John T. Metcalf v. Sophocles N. Zoullas et al.*, C.A. NO. 11-CV-7728-AKH (S.D.N.Y. Oct. 31, 2011) (“Options Derivative Action”); and
- 2) to approve the applications of Plaintiffs’ Counsel, Chitwood Harley Harnes LLP, for an award of attorneys’ fees and litigation expenses in the amount of \$1,375,000, as well as the application of counsel for plaintiffs in two derivative actions pending in New York Supreme Court for an award of attorneys’ fees and expenses in the amount of \$200,000, to be paid by defendant Eagle Bulk Shipping, Inc. or in accordance with the terms of the Stipulation of Compromise and Settlement dated June 14, 2013, [ECF Doc. # 64].

The motion to approve the settlement is based upon the Declaration of Carol S. Shahmoon In Support of Proposed Settlement and Application of Plaintiffs’ Counsel For An Award of Attorneys’ Fees, and exhibits attached thereto (“Shahmoon Declaration”), the Memorandum filed in support of the motion, and the whole of the record in this action. The fee and expense application of Plaintiffs’ Counsel in these actions is similarly based upon the Shahmoon Declaration, the Memorandum filed in support, and the whole of the record in this action. The application of counsel for the plaintiffs in the New York actions, and the declarations and exhibits in support are attached as Exhibits 7 and 8 to the Shahmoon Declaration.

| APPLICANT COUNSEL  | CASES FILED   | FEES         | EXPENSES  | TOTAL       |
|--|---|--------------|-----------|-------------|
| Chitwood Harley Harnes LLP<br>1350 Broadway, Suite 908<br>New York, New York 10018<br>(917) 595-4600   | John T. Metcalf et al. v.<br>Sophocles N. Zoullas et al.,<br>C.A. NO. 11-CV-3996-<br>AKH (S.D.N.Y. June 19,<br>2011)<br><br>John T. Metcalf v.<br>Sophocles N. Zoullas et al.,<br>C.A. NO. 11-CV-7728-<br>AKH (S.D.N.Y. Oct. 31,<br>2011) | 1,324,976.33 | 52,823.67 | \$1,375,000 |
| Kessler Topaz Meltzer<br>& Check LLP<br>280 King of Prussia Road<br>Radnor, PA 19087<br>(610) 667-7706<br><br>The Shapiro Firm LLP<br>500 5 <sup>th</sup> Avenue<br>New York, NY 10110<br>(212) 391-6464 | Steven H. Chan v.<br>Sophocles N. Zoullas, et al.,<br>Index No. 652335/2011<br>(N.Y. Sup. Aug. 23, 2011);<br><br>Harry E. Harris, Jr. v.<br>Sophocles N. Zoullas,<br>652398/2011 (N.Y. Sup.<br>Aug. 30, 2011)                             | \$194,852.19 | 5,147.81  | \$200,000   |

Date: August, 9 2013

Respectfully submitted,

**CHITWOOD HARLEY HARNES LLP**

By: /s/ Carol S. Shahmoon  
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*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **“Notice of Motion To Approve Proposed Settlement And Application of Plaintiffs’ Counsel For An Award of Attorneys’ Fees And Costs”** was filed this 9th day of August, 2013, via this Court’s CM/ECF filing system, which gives electronic notice to all parties registered to receive such notice.

s/ Carol S. Shahmoon

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